

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSE CARRASCO,

Plaintiff,

- against -

DETECTIVE MORALES et al.,

Defendants.
-----X

VICTOR MARRERO, United States District Judge.

08 Civ. 10439 (VM)

DECISION AND ORDER

I. BACKGROUND

By Order dated September 10, 2009 and amended on September 11, 2009, Magistrate Judge Gabriel Gorenstein, to whom this matter had been referred for general supervision of pretrial proceedings, issued a Report and Recommendation (the "Report") recommending that this matter be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for failure of plaintiff Jose Carrasco ("Carrasco") to serve process on the defendants herein, despite an Order dated July 20, 2009 directing Carrasco to serve by August 19, 2009. Carrasco has not filed objections to the Report. For the reasons stated below, the Court adopts the recommendation of the Report in its entirety.

II. DISCUSSION

Having conducted a review of the full factual record in this litigation, including the pleadings and papers submitted

in connection with this proceeding, as well as the Report and applicable legal authorities, the Court concludes that the findings, reasoning, and legal support for the recommendation made in the Report are not clearly erroneous or contrary to law and are thus warranted. Accordingly, for substantially the reasons set forth in the Report the Court adopts the Report's recommendation in its entirety.

III. ORDER


For the reasons stated above, it is hereby

ORDERED that the Report and Recommendation of Magistrate Judge Gabriel Gorenstein dated September 10, 2009 (Docket Nos. 10 and 11) is adopted in its entirety, and the complaint of plaintiff Carrasco is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m), provided that this Order shall become a dismissal with prejudice in the event Carrasco does not request reinstatement of this case, for good cause shown, within thirty days of the date of this Order.

The Clerk of Court is directed to withdraw any pending motions and to close this case.

SO ORDERED.

Dated: New York, New York
30 September 2009


Victor Marrero
U.S.D.J.